

**UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF ALABAMA
NORTHERN DIVISION**

UNITED STATES OF AMERICA)
)
 v.) 2:05-CV-1178-WKW-DRB
) (Case No. 2:04-cr-00169-WHA-DRB)
HORACE MILTON BLACK)

MOTION TO UNSEAL AND/OR DISCLOSE

COMES NOW the undersigned counsel, Christine A. Freeman, on behalf of the Petitioner, Horace Milton Black, and respectfully moves the Court to unseal the following documents filed in **Case No. 2:04-cr-00169-WHA-DRB**, and make them available to Mr. Black's counsel:

1. The plea agreement (filed under seal as D.E. 29);
2. The Report and Recommendation concerning the plea of guilty (filed under seal as D.E. 31);
3. The motion for downward departure (filed under seal as D.E. 36);
4. The presentence report; and
5. The complete Judgment, including the two page statement of reasons for the sentence imposed.

In support of this Motion, counsel would show that such items are essential to evaluation of the merits of Mr. Black's claims of ineffective assistance of counsel and analysis of any prejudice experienced by Mr. Black.

Respectfully submitted,

s/Christine A. Freeman
Christine A. Freeman
FEDERAL DEFENDERS
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TN BPR 11892

CERTIFICATE OF SERVICE

I hereby certify that on June 9, 2006, I electronically filed the foregoing with the Clerk of the Court using the CM/ECF system which will send notification of such filing to A. Clark Morris, Assistant United States Attorney, and I will provide by mailing copies to Terry Smyly and Horace Black.

Respectfully submitted,

s/Christine A. Freeman
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